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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91191773
Party	Plaintiff Energy Brands Inc. d/b/a Glaceau
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Submission	Motion for Default Judgment
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Date	10/15/2009
Attachments	Geniuswater Motion for Default Judgment.pdf (3 pages)(9604 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Application Serial No. 77/297,705

Filed: October 5, 2007

Mark: GENIUSWATER

Published: May 5, 2009

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ENERGY BRANDS INC. D/B/A GLACÉAU,	:	
	:	
Opposer,	:	
	:	
v.	:	
	:	Opposition No. 91191773
GENIUSWATER LTD.,	:	
	:	
Applicant.	:	
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Commissioner for Trademarks
United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

MOTION FOR DEFAULT JUDGMENT

On September 2, 2009, Opposer Energy Brands Inc. d/b/a Glacéau (“Energy Brands”) filed a Notice of Opposition against Application Serial No. 77/297,705 for the mark GENIUSWATER filed by Applicant Geniuswater Ltd. (“Applicant”). Applicant’s answer to the Notice of Opposition was originally due October 12, 2009, but was deferred to October 13, 2009 because of Columbus Day. No answer was filed or served by October 13, 2009, and as of the time of the filing of this Motion for Default Judgment, no answer was filed or served.

Accordingly, Energy Brands respectfully moves for a default judgment against Applicant sustaining the Opposition and denying registration of the GENIUSWATER mark for the goods identified in Application Serial No. 77/297,705.

Dated: October 15, 2009
New York, New York

Respectfully submitted,

DEBEVOISE & PLIMPTON LLP

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Energy Brands Inc. d/b/a Glacéau

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Default Judgment has been sent via first class mail (certified and return receipt requested), postage prepaid, on this 15th day of October, 2009 to:

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